
(Party or Attorney Name)

(Address)

(City, State, Zip)

(Telephone)

(Bar Number of Attorney)

District Justice Court of the State of Utah

Judicial District

County

City

Court Address: _____

Plaintiff,

v.

Defendant.

Writ of Continuing Garnishment and
Instructions

Judgment for ☐ Child support

☐ Other

Case Number: _____

Judge: _____

The _____ court of the state of Utah to (name) _____,
garnishee, at (address) _____:

1. Under Utah Code Section 78-7-44, the plaintiff should have included with this Writ of Garnishment a fee to you of \$25. If the fee was not included, sign here and return the forms to the plaintiff (or plaintiff's attorney). _____

Writ of Continuing Garnishment and
Instructions

Form approved: April 15, 2005

2. A judgment for \$_____ has been entered against the defendant, and the defendant still owes \$_____. Papers filed with the court show that you may possess or control some of the defendant's property. (Property includes real and personal property. Property includes money, including earnings not yet paid.) The property is being garnished (seized) in order to pay the judgment. You are the garnishee, (holder of the property) and you are required to take certain steps to deliver the property or to hold and protect it. You may be held liable if you fail to do so. You should keep for your records a copy of everything that you prepare and everything that is served on you.

3. The judgment debtor is:

Name:_____

Address:_____

Social security number (Last 4 digits only, if known):_____

Driver's license number and state of issuance (if known):_____

Date of birth (if known):_____

4. Within 7 business days after this writ is served on you, you must:

(A) answer the attached Interrogatories under oath or affirmation;

(B) file with the clerk of the court your original Answers to the Interrogatories.

(C) serve a copy of your Answers to the Interrogatories on the plaintiff (or plaintiff's attorney);

(D) serve a copy of the following papers on the defendant and on any other person shown by your records to have an interest in the property. The papers to be served are:

➤ one copy of this Writ of Continuing Garnishment;

- one copy of your Answers to the Interrogatories;
- one copy of the Notice of Garnishment and Exemptions form; and
- two copies of the Reply and Request for Hearing form.

5. You may serve the court, the plaintiff (or plaintiff's attorney), the defendant and any other person by hand delivery or by first class mail. The address of the clerk of court and plaintiff (or plaintiff's attorney) are at the top of the first page of this writ.

6. There are two sets of Answers to the Interrogatory forms: one for the initial pay period and one for subsequent pay periods.

(A) If the defendant's earnings are the same for every pay period, you may copy your answers for the initial pay period and re-submit them for subsequent pay periods.

(B) If the defendant's earnings change from one pay period to the next, you may use the Answers to Interrogatories for Subsequent Pay Period form, which is shorter than the first. If you have been served with only one copy of the Answers to Interrogatories for Subsequent Pay Periods form, you should make additional blank copies before completing it.

(C) If you are an employer who is garnishing earnings, the Utah courts have prepared an interactive worksheet that will calculate the amount to be withheld and prepare an Answers to the Interrogatories form ready for filing. To use the worksheet, go to the Utah courts' web site at www.utcourts.gov. Follow the links to Resources/Court Forms/Garnishment Forms/Employer's Answers to Interrogatories.

7. This Writ of Continuing Garnishment is effective for 120 calendar days after the date on which it was served on you or 120 calendar days after the date of expiration of an earlier writ, whichever is later. Within 7 business days after the close of each pay period occurring within that time, you are required to:

(A) answer the attached Interrogatories under oath or affirmation;

(B) serve a copy of your Answers to the Interrogatories on the plaintiff (or plaintiff's attorney); the defendant and on any other person shown by your records to have an interest in the property; and

(C) file with the clerk of the court your original Answers to the Interrogatories.

8. What to do with the property for the initial and subsequent pay periods:

(A) You must withhold from the defendant the amount shown in your Answers to the Interrogatories. You must hold the property for 20 calendar days after you serve the defendant.

(B) If you do not receive a Reply and Request for Hearing within 20 days after serving the defendant, you must deliver the property to the plaintiff (or plaintiff's attorney). You are then relieved from any liability unless your answers are incorrect. **DO NOT SEND THE MONEY TO THE COURT.**

(C) If you do receive a Reply and Request for Hearing, you must hold the property until you receive further orders from the court directing you how to proceed.

9. If you fail to take these steps, the court may hold you liable for the value of the property you should have withheld.

10. You may deliver to the defendant in the normal course any property greater than you are required to withhold.

11. You may be served with more than one Writ of Continuing Garnishment for the same defendant, but only one Writ of Continuing Garnishment may be in effect at one time. You must satisfy the writs in the order in which they are served. When an earlier Writ of Continuing Garnishment expires or is satisfied, you must then satisfy the next

writ. However, a Writ of Continuing Garnishment in favor of the Office of Recovery Services or the Department of Workforce Services takes precedence over other writs and must be satisfied first. Also, a Writ of Continuing Garnishment in favor of the Office of Recovery Services or the Department of Workforce Services continues indefinitely until fully satisfied, placing earlier writs on hold. These instructions do not apply to writs or orders entered by courts of other states or governmental agencies.

Clerk of the Court

Date: _____

By: _____

Deputy Clerk